

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:16-cv-01395-WO-JEP

IRIS POUNDS, CARLTON MILLER,
VILAYUAN SAYAPHET-TYLER,
RHODA HALL, and PIA TOWNES, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC

Defendant.

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, and Local Rules 6.1 and 7.3(j), Portfolio Recovery Associates, LLC (“PRA”) respectfully moves the Court for an extension of time within which to serve its answer or other responsive pleading to Plaintiffs’ Complaint. In support of the motion, defendant PRA shows unto the Court the following:

1. On November 21, 2016, Plaintiffs filed a Complaint in Durham County Superior Court against PRA.
2. On December 9, 2016, PRA timely removed this action to this Court (Doc.
- 3).

3. Under Fed. R. Civ. P. 81(c)(2), defendant PRA's response to removed Complaint is due December 16, 2016. Thus, defendant PRA is making this motion before the current deadline expires.

4. Defendant PRA has not previously sought an extension of time to respond to the Plaintiffs' Complaint.

5. The Plaintiffs' Complaint purports to seek class certification and alleges in excess of one thousand putative class members. The Plaintiffs' Complaint also seeks penalties totaling millions of dollars.

6. Because of the complexity of these claims, defendant PRA requests additional time in which to review Plaintiffs' claims. Specifically, defendant PRA requests a thirty (30) day extension to its deadline to respond to the Plaintiffs' Complaint, making a response due on January 16, 2017.

7. Counsel for defendant PRA has conferred with Plaintiffs' counsel on the requested extension. Plaintiffs' counsel does not object to this motion for an extension of time.

8. This extension of time is requested in good faith and not for purposes of delay.

WHEREFORE, defendant Portfolio Recovery Associates, LLC respectfully requests that its Motion for Extension of Time be granted and that it have an additional thirty (30) days to and including January 16, 2017, within which to serve its answer or other responsive pleading to Plaintiffs' Complaint.

This the 15th day of December, 2016.

ELLIS & WINTERS LLP

/s/ Jon Berkelhammer

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to all counsel and parties of record as follows:

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This the 15th day of December, 2016.

/s/ Jon Berkelhammer
Jon Berkelhammer